REMARKS

Claims 1 to 35 are pending in the present application, although claims 8 and 21 have been withdrawn from consideration by the Examiner. Claims 1, 2, 14, 19, 20, 25, 27, 28, 31, 32 and 33 have been amended. Support for the amendments to claims 1, 2, 14, 19, 20, 25, 27, 28, 31, 32 and 33 exists in the specification and Figures as filed. Claims 34 and 35 have been added. Support for new claims 34 and 35 also exists in the specification and Figures as filed.

Applicant respectfully requests reconsideration and withdrawal of the rejections of Applicant's claims based on the foregoing amendments and the following remarks.

I. Art Rejections:

Claims 1 to 6, 9 to 14, 16 to 20, 22, 24, 25 and 27 to 33 have been rejected under 35 U.S.C. § 102(b) Kobe et al. (U.S. Patent No. 5,888,335). Claims 7 and 23 have been rejected under 35 U.S.C. § 103(a) over Kobe et al. in view of Howard (U.S. Patent No. 4,495,318). Claims 15 and 26 have been rejected under 35 U.S.C. § 103(a) over Kobe et al. in view of Freedman et al. (U.S. Patent No. 4,543,139). These rejections are respectfully traversed.

The Applicant's claimed invention relates to a resealable closure for a container which comprises a container having a main body portion and an integral extended body portion foldable over a part of the main body portion; and a releasable closure. In one embodiment, the releasable closure of the present invention comprises:

(a) a first adhesive layer having an upper and lower surface;

(b) a release liner having an upper and lower surface, wherein the upper surface of the release liner is directly attached to the lower surface of the first adhesive layer;

(c) a releasable adhesive layer having an upper and lower surface, wherein the upper surface of the releasable adhesive layer is directly and releasably attached to the lower surface of the release liner;

(d) a sheet member having an upper and lower surface, wherein the upper surface of the sheet member is attached to the lower surface of the releasable adhesive; and

(e) a second adhesive layer having an upper and lower surface, wherein the upper surface of the second adhesive layer is attached to the lower surface of the sheet member (emphasis added).

Kobe et al. do not disclose or suggest a releasable closure having the above structure as is recited in amended claims 1, 19, 27, 31, 32 and 33. Specifically, Kobe et al. fail to disclose or suggest a releasable closure having a first adhesive layer, a release liner and a releasable adhesive layer, all in direct contact with one another.

In another embodiment, the releasable enclosure of the present invention comprises:

(a) a first adhesive layer having an upper and lower surface;

(b) a release liner having an upper and lower surface, wherein the upper surface of the release liner is directly attached to the lower surface of the first adhesive layer;

(c) a releasable adhesive layer having an upper and lower surface, wherein the upper surface of the releasable adhesive layer is directly and releasably attached to the lower surface of the release liner;

(d) a sheet member having an upper and lower surface, wherein the upper surface of the sheet member is attached to the lower surface of the releasable adhesive;

(e) a second adhesive layer having an upper and lower surface, wherein the upper surface of the second adhesive layer is attached to the lower surface of the sheet member;

(f) a second sheet member having an upper and lower surface, wherein the lower surface of the second sheet member is attached to the upper surface of the first adhesive layer; and

(g) a third adhesive layer having an upper and lower surface, wherein the lower surface of the third adhesive layer is attached to the upper surface of the second sheet member.

Kobe et al. do not disclose or suggest a releasable closure having the above structure as is recited in amended claims 14 and 25. Specifically, Kobe et al. fail to disclose or suggest a releasable closure having four adhesive layers, one of which is a releasable adhesive.

Kobe et al. relate to a multi-cycle refastenable contact responsive non-tacky fastener system. Kobe et al. disclose that a fastening system 10 contains fastening layer 12 for releasable adhesion to a target surface and a mounting layer 17 attached to one surface 14 of the fastening layer 12. The mounting layer 17 is used to permanently position the fastening system 10 to a substrate other than the target surface (see Figure 1 and column 5, lines 46 to 63). The fastening system of Figure 1 can optionally include a removable liner 20 positioned on the exposed surface 22 of the fastening layer 12 (see Figure 2).

In another embodiment, Kobe et al. disclose a tape 28 which contains a fastening system similar to those disclosed in Figures 1 and 2. As shown in Figure 3 of Kobe et al., the tape 28 contains a backing layer 31. The backing layer 31 has a mounting layer 17 attached to one side thereof and a fastening layer 12 attached to the other side thereof. The exposed surface of fastening layer 12 has a removable liner 20 attached thereto.

Figure 4 of Kobe et al. disclose a fastening system 50 which is the combination of two fastening systems shown in Figure 3. As shown in Figure 4 of Kobe et al., a fastening system 50 designed for multiple fastening and releasing of a first article to a second article includes a first tape 53 that is identical to fastening system 28 of Figure 3 except that a removable liner 56 is placed on the exposed surface of mounting layer 17 rather than the exposed surface of fastening layer 12. Joined to first tape 53 is a second tape 60. Tapes 53 and 60 are joined via individual fastening layers 12 that are present in each tape. As can be seen from Figure 4, the structure of second tape 60 is identical to fastening system 28 of Figure 3 except that liner 20 has been removed from fastening layer 12. The removal of liner 20 permits fastening layer of tape 60 to be joined with fastening layer 12 of tape 53. It is the interface of fastening layers 12 which creates a tape which is able to be fastened and released multiple times. In yet another embodiment, one of the fastening layers 12 of embodiment 50 can be replaced by an additional non-tacky layer similar to layer 31.

Given the embodiments disclosed in Kobe et al. and the examples contained therein, Kobe et al. fail to teach a releasable closure as specified in amended claims 1, 14, 19, 25, 27, 31, 32 and 33. This is because Kobe et al. fail to disclose or suggest the structures recited in the amended independent claims.

Howard relates to inherently tacky, elastomeric, solvent-dispersible, solvent-insoluble, polymeric microspheres that are prepared using a non-ionic emulsifier. Given the disclosure contained therein, Howard fails to cure the deficiencies of Kobe et al. This is because Howard fails to disclose or suggest a structure for a releasable closure.

Freedman et al. relate to resealable package closures which have two layers of adhesive joined together at an interface there between. The resealable package closures of Freedman et al. are said to operate by placing the exposed surface of a permanent pressure sensitive adhesive 11 onto a substrate 31, the surface of a second pressure sensitive adhesive 12 remains covered by a release liner until an end-user of

the packaging desires to re-close same. Once re-closure is desired, release liner 22 is removed from PSA layer 12 and a portion 32 of the package to be resealed is brought into contact with PSA layer 12. As can be seen from Figures 1E to 1H of Freedman et al, a reseal interface 16 is created between the top surface of PSA layer 12 and portion 32 of the package to be resealed.

In light of the above, one of skill in the art would not be motivated by the combination of Kobe et al. and Freedman et al. to arrive at the invention as currently recited in pending claims 1, 14, 19, 25, 27, 31, 32 and 33. This is because the resealable closures of Freedman et al. differ significantly from those of the present invention. Specifically, the releasable closures of the present invention are constructed in such a manner that a "resealing interface" is created internally within the closure structure. This is in stark contrast to the closures disclosed in Freedman et al. which form a reseal interface directly with one of the portions of the packaging to be resealed.

In view of the foregoing, it is respectfully submitted that the Kobe et al., Howard, and Freedman et al. patents do not disclose or suggest the Applicant's claimed invention. Accordingly, withdrawal of the rejections based on the teachings in the Kobe et al., Howard, and Freedman et al. patents is believed to be warranted and is respectfully requested.

II. Conclusion:

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance, and respectfully requests the Examiner to so indicate.

In the event issues arise as a result of the filing of this paper, or remain in the prosecution of this application, Applicants request that the Examiner telephone the undersigned attorney to expedite allowance of the application. If any additional fees

are required for the filing of this paper, the Commissioner is authorized to charge those fees to Deposit Account 18-0988, Docket No. **AVERP3012US**.

Respectfully submitted,
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